

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	) Confirmation No.: 7559
	)
	) Group Art Unit: 3693
	)
Appellant: MARIGLIANO	) Examiner: Jessica L. Lemieux
	)
Application No.: 10/634,698	) <b>REPLY BRIEF</b>
	)
Filing Date: 8/5/2003	)
	) Docket No.: G08.028/U
	)
For: SYSTEMS FOR ELECTRONIC	)
TRADING	) <b>PTO Customer Number 28062</b>
	) Buckley, Maschoff & Talwalkar LLC
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	) New Canaan, CT 06840
	)

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Mail Stop Appeal Brief – Patents (via EFS)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellant submits this Reply Brief in reply to the Examiner's Answer mailed on September 2, 2008.

## NEW GROUNDS OF REJECTION OF CLAIMS 1-37 UNDER 35 U.S.C. §101

Appellant hereby addresses the new grounds of rejection raised in the Examiner's Answer and respectfully requests that the appeal of Claims 1-37 of this application be maintained.

Claims 1-37 are now rejected 35 U.S.C. §101 as being unpatentable for allegedly failing to be "(1) tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing." Appellant respectfully disagrees.

The aforementioned language is not found in the MPEP and therefore Appellant assumes that the Examiner is referring to the USPTO Memorandum to Technology Center Directors, dated May 15, 2008 having a subject matter of *Clarification of "Processes" under 35 U.S.C. 101*, hereinafter ("the Memorandum"). Appellant respectfully notes that the Memorandum specifically relates to methods and processes.

In particular, the Memorandum states that a section 101 "process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the **method is not a patent eligible process** under Section 101 and should be rejected as being directed to non-statutory subject matter." (emphasis added). As clearly stated, the Memorandum is applicable to only methods and processes.

Appellant respectfully points out that independent claim 1 relates to a user interface, independent claim 29 relates to an apparatus, and independent claim 34 relates to a system. Therefore, since neither of independent claims 1, 29, or 34 relates to a process or a method, the Memorandum is not applicable to independent claims 1, 29, or 34.

Furthermore, and as stated in the Memorandum, "a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps." Independent claim 15, relates to a method that presents at least one option quote area and presents an order entry area. Clearly, presenting order entry areas and presenting option

quote areas are not “purely mental steps”. Therefore, amended independent claim 15 and its related dependent claims recite a method comprising statutory subject matter.

In view of the aforementioned, withdrawal of the section 101 rejections is respectfully requested.

#### REPLY TO EXAMINER’S RESPONSE TO ARGUMENT (A)

The Examiner’s Answer states that the “examiner maintains that selecting a security could be done by typing or rather inputting the security symbol into the tab set 128, and by selecting a security”. Appellant respectfully point out that the aforementioned statement in the Examiner’s Answer does not address the specific language of the claims. In particular, the claims specifically state an order entry area comprising input areas for inputting two or more option orders, wherein **selection** of one of the presented plurality of **option quotes results in population** of appropriate input areas **of the order entry area** with an option order **corresponding to the selected option quote**. Accordingly, amended independent claims 1, 10, 15, 24, 29, and 34 and their related dependent claims are believed to be in condition for allowance.

Furthermore, the Examiner’s answer states that “it is obvious by Figure 12 that the data changes with respect to the security chosen in the ‘go’ region”. Appellant respectfully notes that the Examiner’s answer fails to state which ‘go’ region is referred to and where data changes. Therefore, Appellant reiterates that nowhere can Ram be seen to disclose or to suggest that selection of one of a presented plurality of option quotes results in population of appropriate input areas of an order entry area with an option order corresponding to the selected option quote. Withdrawal of the rejections is respectfully requested.

## CONCLUSION

For the reasons stated above, the Examiner's rejections of claims are improper. Therefore, appellant respectfully requests that the Examiner's rejections be reversed.

If any issues remain, or if the Examiner or the Board has any further suggestions for expediting allowance of the present application, kindly contact the undersigned using the information provided below.

Respectfully submitted,

October 27, 2008  
Date

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